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Attorney for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAURA BUCKLEY,) Case No.
)
 Plaintiff,)
)
v.) NOTICE OF REMOVAL OF
)
PINNACLE COMMUNITY SERVICES)
LIMITED PARTNERSHIP, a Nevada)
Limited Partnership; CANTERBURY)
HOLDINGS LLC, a Texas Limited Liability)
Company; DIAMONDBACK)
MANAGEMENT SERVICES, LTD., a)
Texas Business Entity; SILVERCLOUD)
HOLDINGS, INC., a Nevada Corporation;)
GARY BOWERS, an individual; DOES I-X;)
ROE BUSINESS ENTITIES I-X,)
)
 Defendants.)
)

TO: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

PLEASE TAKE NOTICE that Defendants hereby file this Notice of Removal of Action of this cause from the Eighth Judicial District Court of the State of Nevada, Case No. A-16-742515-C (the "State Action"), in which it is now pending, to the United States District Court for the District of Nevada, and respectively state as follows:

1. The jurisdiction of this court is invoked under 28 U.S.C. § 1331.

2. On August 28, 2016, Plaintiff filed her Complaint in the State Action, which Complaint was served on Defendants on September 16, 2016. All available process, pleadings and orders served on Defendants in connection with the State Action are attached.

3. The grounds for removal are as follows: the Complaint alleges claims under the Fair Labor Standards Act and Family Medical Leave Act, presenting federal questions under 28 U.S.C. § 1331.

4. This Notice of Removal of Action is executed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

DATED this 5th day of October 2016.

FISHER & PHILLIPS LLP

/s/ Scott M. Mahoney, Esq.
SCOTT M. MAHONEY, ESQ
300 S. Fourth Street
Suite 1500
Las Vegas, Nevada 89101
Attorneys for Defendants,

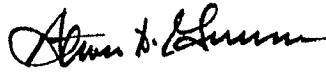
CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that on the 5th day of October 2016, the undersigned, an employee of Fisher & Phillips LLP, electronically filed the foregoing Notice of Removal of Action with the U.S. District Court, and a copy was electronically transmitted from the court to the e-mail address on file for:

James P. Kemp, Esq.

By: /s/ Lorraine James-Newman
An employee of Fisher & Phillips LLP

1 JAMES P. KEMP, ESQ.
 2 Nevada Bar No. 6375
 3 KEMP & KEMP
 4 7435 W. Azure Dr., Suite 110
 5 Las Vegas, Nevada 89130
 6 (702) 258-1183/(702) 258-6983 fax
 7 jp@kemp-attorneys.com
 8 Attorney for Plaintiff


 CLERK OF THE COURT

5 DISTRICT COURT
 6 CLARK COUNTY, NEVADA

7 ***

8 LAURA BUCKLEY,)	
	Plaintiff,)
9 vs.))
		Case No.: A - 1 6 - 7 4 2 5 1 5 - C
10 PINNACLE COMMUNITY SERVICES LIMITED)		
11 PARTNERSHIP, a Nevada Limited Partnership;)		Dept. No.: X X V
12 CANTERBURY HOLDINGS LLC, a Texas Limited)		
13 Liability Company; DIAMONDBACK)		COMPLAINT
14 MANAGEMENTSERVICES, LTD, a Texas)		
15 Business Entity; SILVERCLOUD HOLDINGS,)		JURY TRIAL DEMANDED
16 INC., a Nevada Corporation; GARY BOWERS, an)		
17 Individual; DOES I-X; ROE BUSINESS ENTITIES)		Arbitration Exemption: action seeking
I-X,)	equitable or extraordinary relief.
	Defendants.)
)

18 COMES NOW THE PLAINTIFF, by and through her counsel, JAMES P. KEMP, ESQ., of
 19 KEMP & KEMP, ATTORNEYS AT LAW, and states and alleges causes of action against the
 20 Defendant(s) as follows:

21 **I. JURISDICTION AND VENUE**

22 The Court has jurisdiction over the subject matter and Parties in this civil action because the Plaintiff
 23 is a resident of Clark County, Nevada, the Defendants have ongoing business operations in Clark
 24 County, Nevada or otherwise have sufficient minimum contacts with Clark County, Nevada to render
 25 them amenable to suit in this jurisdiction under the Nevada long-arm statute, NRS 14.065, and the
 26 Constitutions of the United States and the State of Nevada. The amount in controversy is in excess of
 27

1 the jurisdictional limit of Justice Court. Further, all of the acts and omissions complained of herein
 2 occurred in Clark County, Nevada making jurisdiction and venue proper in this court.
 3

4 **II. CLAIMS FOR RELIEF**

5 **Factual Allegations Common to all Claims**

- 6 1. The Plaintiff is a United States citizen and was at all relevant times mentioned herein,
 from approximately August 2014 through approximately April 22, 2016 an employee
 at the Defendants' place of business, PINNACLE COMMUNITY SERVICES in
 North Las Vegas, NV.
- 7 2. Defendant PINNACLE COMMUNITY SERVICES LIMITED PARTNERSHIP is
 and was, upon information and belief, at all material times mentioned herein a
 Nevada Limited Partnership duly organized under the laws of the state of Nevada
 and, upon information and belief, was and is doing business as PINNACLE
 COMMUNITY SERVICES at 3435 W. Cheyenne Avenue, Suite 103, North Las
 Vegas, Nevada 89032. This entity is the former employer of the Plaintiff.
- 8 3. Defendant CANTERBURY HOLDINGS LLC is and was, upon information and
 belief, at all material times mentioned herein a Texas Limited Liability Company duly
 organized under the laws of the state of Texas and, upon information and belief, was
 and is the General Partner of Defendant Pinnacle Community Services Limited
 Partnership at 3435 W. Cheyenne Avenue, Suite 103, North Las Vegas, Nevada
 89032. This entity is the former employer of the Plaintiff by operation of law under
 the Fair Labor Standards Act, NRS 608.011, and/or the Family and Medical Leave
 Act.
- 9 4. Defendant SILVER CLOUD HOLDINGS, INC. is and was, upon information and
 belief, at all material times mentioned herein a Nevada Corporation duly organized

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1 under the laws of the state of Nevada and, upon information and belief, was the
2 former employer of the Plaintiff by operation of law under the Fair Labor Standards
3 Act, NRS 608.011, and/or the Family and Medical Leave Act.

- 4 5. Defendant DIAMONDBACK MANAGEMENT, LTD is and was, upon
6 information and belief, at all material times mentioned herein a Texas Business
7 Entity duly organized under the laws of the state of Texas and, upon information and
8 belief, was the former employer of the Plaintiff by operation of law under the Fair
9 Labor Standards Act (FLSA), NRS 608.011, and/or the Family and Medical Leave
10 Act (FMLA).
- 11 6. PINNACLE COMMUNITY SERVICES LIMITED PARTNERSHIP,
12 DIAMONDBACK MANAGEMENT, LTD, CANTERBURY HOLDINGS LLC,
13 and SILVER CLOUD HOLDINGS, INC. shall collectively be referred to herein as
14 the “Business Entity Defendants.”
- 15 7. The Defendant GARY BOWERS is or was the employer of the Plaintiff if any
16 applicable Business Entity Defendant(s) is or was defunct, or for any reason is
17 deemed to not be Plaintiff’s employer, at any of the relevant times mentioned herein.
- 18 8. The Defendant GARY BOWERS is or was the owner or sole or partial shareholder
19 of the Business Entity Defendants.
- 20 9. The Defendant GARY BOWERS is or was a director of the Business Entity
21 Defendants.
- 22 10. The Defendant GARY BOWERS is or was an officer of the Business Entity
23 Defendants.
- 24 11. The Defendant GARY BOWERS by virtue of his status as an owner, shareholder,
25 director, and officer of the Business Entity Defendants exercises complete control
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1 over the Business Entity Defendants. He is an employer under the definitions of
2 "employer" under the FLSA and FMLA.

- 3 12. Throughout this Complaint the term Defendants refers to all Defendants both
4 severally and collectively as the context indicates. Defendants are employers as
5 defined in the FLSA, FMLA, and under NRS 608.011.
- 6 13. Upon information and belief, the Defendants engage in a for-profit business which
7 has gross revenue in excess of \$500,000 per annum and is engaged in the production
8 of goods for interstate commerce and/or the use and/or handling of goods which
9 have moved in interstate commerce as such terms are defined in the FLSA and are
10 employers subject to the jurisdiction of the FLSA. Defendants provide services in
11 interstate commerce, as well.
- 12 13. 14. The Plaintiff has been an employee of the Defendants during the time period
14 pertinent to this complaint, to wit, the three years immediately preceding the
15 initiation of this action. The Plaintiff has performed labor and services in various
16 occupations that are subject to the aforesaid provisions of the FLSA. These
17 occupations include, but are not limited to, work performing billing functions.
18 Defendants, through their agents, servants, and/or employees, are engaged in
19 interstate commerce. Such interstate commerce by said defendants includes, but is
20 not limited to, the shipment and/or purchase and use of a substantial amount of
21 goods and/or information shipped in interstate commerce through the United States
22 Post Office and/or telephone lines and/or other means, as well as other activities
23 constituting interstate commerce under the provisions of said Act.
- 24 15. The labor and services performed by the Plaintiff was directly essential to the
25 shipment and use of various goods or services which moved in interstate commerce,
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1 and Plaintiff therefor was engaged in commerce or in the production of goods for
2 commerce as that term is used in the Act while employed by the defendants.

- 3 16. That the Defendant Bowers has intentionally acted to violate Federal Law on behalf
4 of the Plaintiff's nominal employer(s), who was/were the Business Entity
5 Defendants and as a result Defendant Bowers, who was a decision making manager
6 and/or controlling agent and/or principal owner of the Business Entity Defendants,
7 have assumed the position of "employer(s)" and/or the liability otherwise imposed
8 upon "employers" in regards to the plaintiff within the meaning of Federal Law and
9 as a result thereof the individual Defendant has assumed personal liability for all
10 sums of money owed to the Plaintiff pursuant to Federal Law.
- 11 17. That the intentional violations of law alleged to have been committed herein were
12 done with the specific approval of the individual Defendant and make the individual
13 Defendant "employer" or "joint employer" of the Plaintiff for the purposes of the
14 claims made herein and/or otherwise makes the individual Defendant legally liable
15 for the claims made herein.
- 16 18. That the Individual and Business Entity Defendants are, upon information and
17 belief, the alter-ego of one another.
- 18 19. That the various violations of law which are alleged herein were committed
20 intentionally and/or willfully by all of the defendants.
- 21 20. On or about April 22, 2016, the Defendants terminated Plaintiff's employment and
22 discharged her.
- 23 21. Defendants failed to pay Plaintiff her final wages, in accordance with NRS 608.020,
24 NRS 608.040, and/or NRS 608.050, these final wages including substantial amounts
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1 of overtime pay that remains outstanding, due, and owing to the Plaintiff. More
2 than thirty (30) days has passed without Defendants paying Plaintiff her final wages.

- 3 22. Plaintiff began working for Defendants at PINNACLE COMMUNITY SERVICES,
4 3435 W. Cheyenne Avenue, Suite 103 in North Las Vegas, Nevada Chef Cheng's on
5 August 25, 2014. She received her first paycheck approximately one to two weeks
6 later. Plaintiff was paid a salary of \$55,000.00 for approximately the first year that
7 she worked for Defendants and then a salary at the rate of \$60,000.00 per year for
8 the remainder of her employment.
9
10 23. Plaintiff was hired to work only 40 hours per week on a full time basis.
11 24. Despite having only been hired to work a usual and customary full time 40 hours per
12 week schedule, throughout her employment by Defendants Plaintiff was forced to
13 work overtime and regularly worked approximately 60 hours per week.
14 25. Plaintiff was never paid overtime for any hours that she worked over 40 hours per
15 week. Plaintiff estimates that she is owed for 1,780 hours of overtime through the
16 course of her employment. This totals approximately \$72,058.82 in overtime wages
17 due.
18
19 26. At no time was the Plaintiff exempt from overtime under the Act, or Nevada state
20 law.
21
22 27. Plaintiff did not have as a primary duty managing the enterprise, or managing a
23 customarily recognized department or subdivision of the enterprise.
24
25 28. Plaintiff did not customarily and regularly direct the work of at least two or more
26 other full-time employees or their equivalent.
27
28 29. Plaintiff did not have the authority to hire or fire other employees, nor were her
suggestions and recommendations as to the hiring, firing, advancement, promotion

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1 or any other change of status of other employees given particular weight by the
2 Defendants.

- 3 30. Plaintiff did not as her primary duty engage in the exercise of discretion and
4 independent judgment with respect to matters of significance to the employer's
5 business.
- 6 31. Plaintiff did not have authority to formulate, affect, interpret, or implement
7 management policies or operating practices.
- 8 32. Plaintiff did not carry out major assignments in conducting the operations of the
9 business.
- 10 33. Plaintiff did not perform work that affected business operations to a substantial
11 degree.
- 12 34. Plaintiff did not have authority to commit the employer in matters that have
13 significant financial impact.
- 14 35. Plaintiff did not have authority to waive or deviate from established policies and
15 procedures without prior approval.
- 16 36. The Defendants' acts of failing and refusing to pay the Plaintiff her justly due
17 overtime wages were willful acts.
- 18 37. In March 2015 the Plaintiff suffered an industrial accident and injury for which she
19 filed a valid workers' compensation claim.
- 20 38. The Plaintiff was a person with a disability as defined under the ADAAA because
21 she had a condition that limited her in one or more major life activities.
- 22 39. Plaintiff was capable of performing the essential functions of her job with
23 Defendants, with or without a reasonable accommodation.
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- 1 40. The Plaintiff's disability caused her to have a serious health condition as defined
 2 under the FMLA. Plaintiff needed leave on a block or intermittent basis under the
 3 Family and Medical Leave Act and had she not been fired from her position on April
 4 22, 2016, it is probable that she would have needed further leave under the FMLA
 5 due to her own serious health condition. Plaintiff had submitted the FMLA
 6 paperwork to the Defendants just two weeks prior to being terminated on April 22,
 7 2016.
- 9 41. Plaintiff performed at or above the level that her employer had a reasonable right to
 10 expect. She had received good reviews and consistent praise for her job
 11 performance. Defendants had no genuine and legitimate reason to terminate the
 12 Plaintiff's employment and any allegedly non-retaliatory or non-discriminatory reason
 13 given by the Defendants is mere pretext for the true reasons of discrimination
 14 and/or retaliation as set forth herein.

16 **A. FIRST CLAIM: VIOLATION OF FMLA**

- 17 42. All other pertinent paragraphs set forth herein are incorporated here by reference as
 18 if fully set forth and re-alleged.
- 19 43. Defendant operates in interstate commerce and, upon information and belief, have
 20 over 50 employees within a 75 mile radius of the location where Plaintiff was
 21 employed in Clark County, Nevada. Therefore, Defendants are a "covered
 22 employer," as defined at 29 U.S.C. § 2611(4), under the Family and Medical Leave
 23 Act 29 U.S.C. §§ 2611-2654 and subject to all provisions stated therein.
- 24 44. As a "covered employer" under the FMLA, Defendants are required to offer any
 25 "eligible employee," as defined at 29 U.S.C. § 2611(2), up to 12 weeks of leave for of

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1 absence “[b]ecause of a serious health condition that makes the employee unable to
 2 perform the functions of the position of such employee.”

- 3 45. Plaintiff was an “eligible employee,” entitled to the protections of the FMLA having
 4 worked for Defendants over 1250 hours during the preceding 12 months and having
 5 been employed for over two years when his need for leave arose.
- 6 46. Plaintiff was qualified to obtain leave under the FMLA in that she had a serious
 7 health condition.
- 8 47. Plaintiff provided Defendants notice of her need for leave or intermittent time off by
 9 furnishing a doctor’s note to Defendants such that Defendants received sufficient
 10 notice to trigger its responsibility to provide leave under the FMLA.
- 11 48. By taking the adverse action of terminating Plaintiff on April 22, 2016, while she was
 12 seeking approval of FMLA leave, Defendants violated 29 U.S.C. § 2615(a)(1) by
 13 unlawfully interfering with, denying, or restraining Plaintiff’s right to medical leave
 14 under the FMLA. This would include Plaintiff’s future need for leave or intermittent
 15 leave under the FMLA.
- 16 49. By taking the adverse employment action of terminating Plaintiff’s employment on
 17 April 22, 2016, the Defendants retaliated and discriminated against the Plaintiff
 18 because she requested leave under the FMLA by submitting the proper paperwork to
 19 cover her own serious health condition just two weeks prior to her termination.
- 20 50. Defendant’s violations of the FMLA were willful and without justification.
- 21 51. Defendant’s acts were done with malice and oppression and with Defendant’s
 22 conscious disregard for the rights of Plaintiff and with a certainty of knowledge that
 23 Plaintiff would be injured by Defendants’ acts in violation of the FMLA.
- 24 52. Defendant is liable to Plaintiff for violating her rights under the FMLA.
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- 1 53. Plaintiff has been damaged by an amount in excess of \$10,000 or the jurisdictional
2 maximum of Justice Court, whichever is greater.
- 3 54. Plaintiff is entitled to all remedies available under the FMLA and hereby claims
4 entitlement to all appropriate remedies pursuant to 29 U.S.C. § 2617 (a)(1)(A) and (B)
5 including, but not limited to, the following: money damages for lost wages and
6 benefits and any other actual money damages caused by Defendants' violation of the
7 FMLA; liquidated damages as provided for under the FMLA; interest as provided for
8 under the FMLA and other law; equitable and/or injunctive relief including
9 employment, reinstatement, and/or promotion as provided for by the FMLA and/or
10 front pay in lieu of employment or reinstatement.
- 11 55. Benefits lost include, but are not limited to, three weeks of Paid Time Off that the
12 Plaintiff had accrued and was not paid upon termination.
- 13 56. Plaintiff is entitled to recover costs and reasonable attorney fees pursuant to 29
14 U.S.C. § 2617(a)(3) for having to incur costs and fees associated with the exercise of
15 her legal rights and remedies through this action.

16 **B. SECOND CLAIM: VIOLATION OF FLSA OVERTIME WAGE LAW**

- 17 57. All other pertinent paragraphs set forth herein are incorporated here by reference as
18 if fully set forth and re-alleged.
- 19 58. The plaintiff brings this Second Claim for Relief pursuant to 29 U.S.C. § 216(b).
- 20 59. Pursuant to the applicable provisions of the FLSA, 29 U.S.C. § 206 and/or §207, the
21 individual plaintiff was entitled to an overtime hourly wage of time and one-half her
22 regular hourly wage for all hours worked in excess of forty (40) hours per week, the
23 individual plaintiff worked more than forty (40) hours per week for the defendants

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during most (if not all) of the weeks during which she worked for the defendants, and the defendants willfully failed to make said overtime payments.

60. Plaintiff seeks, on this Second Claim for Relief, a judgment for unpaid overtime wages and additional liquidated damages of 100% of any unpaid overtime wages, such sums to be determined based upon an accounting of the hours worked by, and wages actually paid to the plaintiff and the plaintiff also seeks an award of attorney's fees, interest and costs as provided for under the FLSA.

⁶¹ Defendants' violations of the FLSA were intentional and willful.

C. THIRD CLAIM: VIOLATION OF NEVADA OVERTIME WAGE LAW

62. All other pertinent paragraphs set forth herein are incorporated here by reference as if fully set forth and re-alleged.

63. Defendants have failed to pay Plaintiff overtime wages for all hours worked in excess of 8 hours per day, or 40 hours per week in violation of NRS 608.018.

64. Defendants are liable for overtime wages owed to Plaintiff at the rate of 1.5 times her hourly rate of pay for all hours worked in excess of 40 hours per week.

**D. FOURTH CLAIM: WAGES DUE AND OWING WITH STATUTORY PENALTY
UNDER NRS 608.040 AND/OR NRS 608.050**

65. All other pertinent paragraphs set forth herein are incorporated here by reference as if fully set forth and re-alleged.

66. Defendants failed and neglected to timely pay the Plaintiff her final wages in accordance with NRS 608.020 in that they failed to pay to plaintiff her final wages, including unpaid overtime wages, when due to the plaintiff upon her being terminated or within 3 days thereafter.

67. Defendants are liable to Plaintiff for the statutory penalty provided in NRS 608.040 and/or NRS 608.050.

68. Plaintiff has been forced to expend costs and incur fees to hire an attorney to pursue her rights under the law.

E. FIFTH CLAIM: RETALIATORY DISCHARGE IN VIOLATION OF PUBLIC POLICY UNDER NEVADA LAW.

69. All other pertinent paragraphs set forth herein are incorporated here by reference as if fully set forth and re-alleged.

70. Plaintiff's employment was terminated by Defendants in retaliation for her being injured on the job and her filing of a valid Workers Compensation claim and, thus, exercising her rights under the Nevada Industrial Insurance Act.

71. Termination of Plaintiff's employment was in violation of strong public policy of the state of Nevada.

72. Plaintiff suffered mental anguish, embarrassment, shame, loss of reputation, and emotional distress as a direct and proximate result of Defendant's actions.

73. Plaintiff has suffered and will suffer lost wages and/or benefits as a direct and proximate result of the actions of the Defendant.

74. The actions of the Defendant were willful, malicious, fraudulent, or oppressive, and calculated to discourage Plaintiff and other of Defendant's employees from pursuing their rights under Nevada law. The Defendants should be subjected to Punitive and Exemplary damages to deter future conduct of this sort.

75. Plaintiff should be reinstated to her position with all wages, benefits, and seniority restored as though the unlawful and tortious termination had never occurred.

1 76. Plaintiff has been required to hire an attorney and expend fees and costs to pursue
2 her rights through this action.

3 **F. RESERVATION OF RIGHTS UNDER AMERICANS WITH DISABILITIES ACT.**

4 77. Plaintiff has, or soon will, file a timely charge of discrimination under the Americans
5 with Disabilities Act of 1990 (ADA) as amended by the Americans with Disabilities
6 Act Amendments Act of 2008 (ADAAA) with the United States Equal Employment
7 Opportunity Commission (EEOC).

8 78. Plaintiff will exhaust her administrative avenues with respect to that charge in good
9 faith.

10 79. Should the charge not be resolved to her satisfaction through the EEOC
11 administrative process, the Plaintiff reserves the right to seek to amend this
12 Complaint, or any subsequent Amended Complaints, to bring her claims under the
13 ADAAA, or in the alternative to bring an independent action under the
14 ADA/ADAAA once the claim becomes ripe for court action.

15 **III. DEMAND FOR JUDGMENT FOR RELIEF**

16 The Plaintiff prays judgment against the Defendants, and each of them, as follows:

17 A. All applicable relief provided for under 29 U.S.C. § 216 (b) including, but not limited to:

- 18 1. Money damages for unpaid overtime, wages, salary, employment benefits, or
19 other compensation denied or lost due to the violations of law by the Defendants;
- 20 2. An additional amount as liquidated damages equal to the sum of the amount of
21 damages awarded for overtime compensation denied or lost due to the violations
22 of FLSA by the Defendants in accordance with 29 U.S.C. § 216;
- 23 3. Interest on the amounts awarded under 1 and 2 above at the prevailing rate;

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- 1 4. For an appropriate award of money to offset and ameliorate any adverse tax
2 consequences that may be imposed upon Plaintiff
3 5. Equitable relief as may be appropriate;
4 6. Reasonable attorney's fees, reasonable expert witness fees, and other costs of the
5 action;

6 B. For all applicable remedies under the Family and Medical Leave Act including, but not
7 limited to the following:

- 8 1. For lost wages and back pay;
9 2. For the lost value of employment benefits;
10 3. For liquidated damages under the Family and Medical Leave Act;
11 4. For Attorney fees;
12 5. For costs of suit;
13 6. For interest on items 1 and 2 above;
14 7. For an appropriate award of money to offset and ameliorate any adverse tax
15 consequences that may be imposed upon Plaintiff;
16 8. For a trial by jury of all issues that may be tried to a jury;
17 9. For equitable and injunctive relief including an order of reinstatement to
18 employment, or front pay in lieu of reinstatement as set forth herein;
19 10. For such other and further relief as the court may deem just and equitable.

20 C. All applicable remedies for Defendants' violation of NRS 608.018 failure to pay overtime.

21 D. Pre-judgment and Post-judgment interest on all applicable sums due.

22 E. Money Damages for Plaintiff's unpaid final wages and the statutory penalty of thirty (30)
23 day's pay at Plaintiff's regular rate of pay in accordance with NRS 608.040 or NRS
24 608.050.

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- 1 F. For lost wages, general and compensatory damages, reinstatement to employment or
2 front pay in lieu of reinstatement, and punitive damages for Plaintiff's claim of common
3 law retaliatory discharge in violation of public policy.
4 G. For trial by jury on all issues that may be tried to by a jury.
5 H. For such other and further relief as the Court may deem just and proper.

7 DATED this 28th day of August, 2016.

8 /s/ James P. Kemp

9 JAMES P. KEMP, ESQUIRE
10 Nevada Bar No. 006375
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12 7435 W. Azure Drive, Suite 110,
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14 Attorney for Plaintiff

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SUMM

DISTRICT COURT

CLARK COUNTY, NEVADA

LAURA BUCKLEY, Plaintiff, }
vs. } Case No.: A-16-742515-C
Pinnacle Community Services }
Limited Partnership, a Nevada Limited } Dept. No. XXV
Partnership; Canterbury Holdings }
LLC, a Texas Limited Liability Company; }
Diamondback Management }
Services, LTD, a Texas Business Entity; }
Silvercloud Holdings, INC., a Nevada }
Corporation; Gary Bowers, an individual; }
DoeS I-X; Roe Business Entities I-X, }
Defendants. }

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

Pinnacle Community Services Limited Partnership, a Nevada Limited Partnership;

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

JAMES P. KEMP, ESQ.

Nevada Bar No. 006375

KEMP & KEMP

7435 W. Azure Drive, Suite 110

Las Vegas, Nevada 89130

(702) 258-1183

Attorney for Plaintiff

CLERK OF COURT

By:

DISTRICT
COURT
SEAL
IRISH LAPIRA

Deputy Clerk

AUG 3 1 2016

Date

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure 4(b).

STATE OF _____)
)ss:
COUNTY OF _____)

AFFIDAVIT OF SERVICE

_____, being duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received ____ copy(ies) of the Summons and Complaint, _____.

on the _____ day of _____, 20____ and served the same on the _____ day of
_____, 20____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____.
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at: (state address) _____.

(Use paragraph 3 for service upon agent, completing A or B)

3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

Ordinary mail
 Certified mail, return receipt requested
 Registered mail, return receipt requested

addressed to the Defendant _____ at Defendant's last known address which is (state address) _____.

COMPLETE ONE OF THE FOLLOWING:

- (a) If executed in this state, "I declare under penalty of perjury that the foregoing is true and correct."

Signature of person making service

- (b) If executed outside of this state, "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Signature of person making service

SUMM

DISTRICT COURT
CLARK COUNTY, NEVADA

LAURA BUCKLEY, Plaintiff }
vs. } Case No.: A-16-742515-C
Pinnacle Community Services }
LIMITED PARTNERSHIP, a Nevada Limited } Dept. No. XXV
Partnership; CANTERBURY HOLDINGS }
LLC, a Texas Limited Liability Company; }
DIAMONDBACK MANAGEMENT }
SERVICES, LTD, a Texas Business Entity; }
SILVERCLOUD HOLDINGS, INC., a Nevada }
Corporation; GARY BOWERS, an individual; }
DOES I-X; ROE BUSINESS ENTITIES I-X, }
Defendants.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

CANTERBURY HOLDINGS LLC, a Texas Limited Liability Company;

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

JAMES P. KEMP, ESQ.

Nevada Bar No. 006375

KEMP & KEMP

7435 W. Azure Drive, Suite 110

Las Vegas, Nevada 89130

(702) 258-1183

Attorney for Plaintiff

CLERK OF COURT

IRISH LAPIRA

By:

Deputy Clerk

**DISTRICT
COURT
SEAL**

AUG 3 1 2016

Date

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure 4(b).

STATE OF _____
COUNTY OF _____)
ss:

AFFIDAVIT OF SERVICE

_____, being duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received ____ copy(ies) of the Summons and Complaint, _____
on the _____ day of _____, 20____ and served the same on the _____ day of
_____, 20____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____.
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at: (state address) _____.
3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

Ordinary mail
 Certified mail, return receipt requested
 Registered mail, return receipt requested

addressed to the Defendant _____ at Defendant's last known address which is (state address) _____.

COMPLETE ONE OF THE FOLLOWING:

- (a) If executed in this state, "I declare under penalty of perjury that the foregoing is true and correct."

Signature of person making service

- (b) If executed outside of this state, "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Signature of person making service

SUMM

DISTRICT COURT
CLARK COUNTY, NEVADA

LAURA BUCKLEY, Plaintiff }
vs. } Case No.: A-16-742515-C
Pinnacle Community Services }
Limited Partnership, a Nevada Limited } Dept. No. XXV
Partnership; Canterbury Holdings }
LLC, a Texas Limited Liability Company; }
Diamondback Management }
Services, LTD, a Texas Business Entity; }
Silvercloud Holdings, INC., a Nevada }
Corporation; Gary Bowers, an individual; }
DoeS I-X; Roe Business Entities I-X, }
Defendants.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

DIAMONDBACK MANAGEMENT SERVICES, LTD, a Texas Business Entity;

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

JAMES P. KEMP, ESQ.

Nevada Bar No. 006375

KEMP & KEMP

7435 W. Azure Drive, Suite 110

Las Vegas, Nevada 89130

(702) 258-1183

Attorney for Plaintiff

CLERK OF COURT
By: **IRISH LAPIRA** 
Deputy Clerk

AUG 31 2016

Date

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure 4(b).

STATE OF _____)
)ss:
COUNTY OF _____)

AFFIDAVIT OF SERVICE

_____, being duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received ____ copy(ies) of the Summons and Complaint, _____.

on the _____ day of _____, 20____ and served the same on the _____ day of
_____, 20____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____.
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at: (state address) _____.
3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

Ordinary mail
 Certified mail, return receipt requested
 Registered mail, return receipt requested

addressed to the Defendant _____ at Defendant's last known address which is (state address) _____.

COMPLETE ONE OF THE FOLLOWING:

- (a) If executed in this state, "I declare under penalty of perjury that the foregoing is true and correct."

Signature of person making service

- (b) If executed outside of this state, "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Signature of person making service

SUMM

DISTRICT COURT
CLARK COUNTY, NEVADA

LAURA BUCKLEY,)
Plaintiff,)
vs.) Case No.: A-16-742515-C
PINNACLE COMMUNITY SERVICES)
LIMITED PARTNERSHIP, a Nevada Limited) Dept. No. XXV
Partnership; CANTERBURY HOLDINGS)
LLC, a Texas Limited Liability Company;) **SUMMONS**
DIAMONDBACK MANAGEMENT)
SERVICES, LTD, a Texas Business Entity;)
SILVERCLOUD HOLDINGS, INC., a Nevada)
Corporation; GARY BOWERS, an individual;)
DOES I-X; ROE BUSINESS ENTITIES I-X,)
Defendants.)

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

SILVERCLOUD HOLDINGS, INC., a Nevada Corporation;

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

JAMES P. KEMP, ESQ.
Nevada Bar No. 006375

KEMP & KEMP
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
(702) 258-1183
Attorney for Plaintiff

CLERK OF COURT

IRISH LAPRA

By:

Deputy Clerk

Date



AUG 3 1 2016

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure 4(b).

STATE OF _____)
)ss:
COUNTY OF _____)

AFFIDAVIT OF SERVICE

_____, being duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received ____ copy(ies) of the Summons and Complaint, _____.

on the _____ day of _____, 20____ and served the same on the _____ day of
_____, 20____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____.
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at: (state address) _____.
3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

Ordinary mail
 Certified mail, return receipt requested
 Registered mail, return receipt requested

addressed to the Defendant _____ at Defendant's last known address which is (state address) _____.

COMPLETE ONE OF THE FOLLOWING:

- (a) If executed in this state, "I declare under penalty of perjury that the foregoing is true and correct."

Signature of person making service

- (b) If executed outside of this state, "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Signature of person making service

SUMM

DISTRICT COURT
CLARK COUNTY, NEVADA

LAURA BUCKLEY, }
Plaintiff, }
vs. } Case No.: A-16-742515-C
Pinnacle Community Services }
LIMITED PARTNERSHIP, a Nevada Limited } Dept. No. XXV
Partnership; CANTERBURY HOLDINGS }
LLC, a Texas Limited Liability Company; }
DIAMONDBACK MANAGEMENT }
SERVICES, LTD, a Texas Business Entity; }
SILVERCLOUD HOLDINGS, INC., a Nevada }
Corporation; GARY BOWERS, an individual; }
DOES I-X; ROE BUSINESS ENTITIES I-X, }
Defendants.

SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

GARY BOWERS, an individual;

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

Submitted by:

JAMES P. KEMP, ESQ.
Nevada Bar No. 006375

KEMP & KEMP
7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
(702) 258-1183
Attorney for Plaintiff

CLERK OF COURT

By:

IRISH LAPIRA Deputy Clerk



AUG 3 1 2016

Date

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure 4(b).

STATE OF _____
COUNTY OF _____)ss:

AFFIDAVIT OF SERVICE

_____, being duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received ____ copy(ies) of the Summons and Complaint, _____.

on the _____ day of _____, 20____ and served the same on the _____ day of _____, 20____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at (state address) _____.
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at: (state address) _____.

(Use paragraph 3 for service upon agent, completing A or B)

3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- Ordinary mail
 Certified mail, return receipt requested
 Registered mail, return receipt requested

addressed to the Defendant _____ at Defendant's last known address which is (state address) _____.

COMPLETE ONE OF THE FOLLOWING:

- (a) If executed in this state, "I declare under penalty of perjury that the foregoing is true and correct."

Signature of person making service

- (b) If executed outside of this state, "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Signature of person making service